

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

GREGORY KONRATH, )  
Plaintiff, )  
v. ) Case No. CIV-17-62-D  
ELENA SNELL, )  
Defendant. )

## **ORDER**

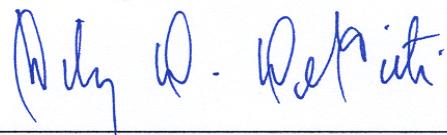
Plaintiff Gregory Konrath, a *pro se* prisoner incarcerated in Indiana, filed a new case in this district on January 17, 2017. This is his fourth case filing in this Court since December 2, 2016. In prior cases, Plaintiff has asked to proceed *in forma pauperis* (IFP) under 28 U.S.C. § 1915. In this case, he has neither paid the filing fee nor requested IFP status. Even were Plaintiff to file an application in this case, however, it would be denied because he is barred from proceeding IFP by operation of 28 U.S.C. § 1915(g).

Research reveals that Plaintiff is an abusive litigant subject to filing restrictions in federal courts in Indiana. *See, e.g., Konrath v. United Health Care, LLC*, No. 3:17 CV 009, Opinion & Order (N.D. Ind. Jan. 5, 2017) (detailing Plaintiff's litigation history). According to a search conducted by this Court on the Pacer Case Locator service on January 24, 2017, Plaintiff has filed 142 civil cases in 11 federal district courts since July 2016. For current purposes, it is sufficient to note that "Konrath has accumulated at least 18 strikes." *See id.* p.1. This case concerns an alleged civil rights conspiracy resulting in Plaintiff's incarceration. Plaintiff does not allege that he is "under imminent danger of

serious physical injury.” *See* 28 U.S.C. § 1915(g). Therefore, because Plaintiff has not paid the filing fee and because he cannot bring this action without prepayment of the required fees, the Court finds that this action must be dismissed without prejudice to refiling.

IT IS THEREFORE ORDERED that Plaintiff’s action is DISMISSED without prejudice. A separate judgment of dismissal shall be entered.

IT IS SO ORDERED this 24<sup>th</sup> day of January, 2017.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE